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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,908	03/03/2004	Gregory Hsu	C6671(C)	3835

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,908	<b>Applicant(s)</b> HSU ET AL.	
	<b>Examiner</b> Lorna M. Douyon	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is responsive to the amendment filed on May 9, 2006.
2. Claims 1-8 are pending.
3. Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (US Patent No. 6,093,690), for the reasons set forth in the previous office actions.
4. Claims 1-8 are rejected under **35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the recital of "polyoxyalkylenatacyl" (see line 22, counting the formula as one line) and " $\alpha$ -sulfonatedalkyl" (see line 23), because these terms are not understood. It is also suggested that "OSO<sub>3</sub>" (see line 25) be re-written as "OSO<sub>3</sub>".

Claim 7 is indefinite in the recital of "polyoxyalkylenatacyl" (see line 21, counting the formula as one line) and " $\alpha$ -sulfonatedalkyl" (see line 22), because these terms are not understood. It is also suggested that "OSO<sub>3</sub>" (see line 24) be re-written as "OSO<sub>3</sub>".

Claim 8 should properly depend from claim 7.

Claims 2-6, being dependent upon claim 1, are rejected as well.

5. Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 5, 8 and 9 of copending Application No. 10/792,426. Although the conflicting claims are not identical, they are not

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patentably distinct from each other because both sets of claims are drawn to similar solid laundry detergent compositions comprising similar ingredients with overlapping proportions.

Modification of the proportions, however, is within the level of ordinary skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. The rejection of claims 1-4 and 7-8 under 35 U.S.C. 103(a) as being unpatentable over JP 09003483 in view of Maunder et al. (US Patent No. 5,955,057), (which should correctly read on being rejected over the JP reference, alone) is withdrawn in view of Applicants' amendment.

7. The rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over JP '483 as applied to the above claims, and further in view of Maunder et al. (US Patent No. 5,955,057 is withdrawn in view of Applicants' amendment.

### ***Response to Arguments***

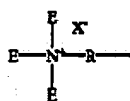
8. Applicant' arguments filed May 9, 2006 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Chapman, Applicants argue that Chapman teaches modified polyamines and that at least some of the hydrogen on the primary amine units are substituted with the moiety E and by contrast, in applicants' invention, the primary amines are unmodified: amine terminal units have all R=H. Applicants also argue that

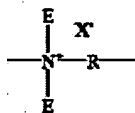
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this is necessary for applicants' invention since it is unmodified polyamine that is reacted with an acid precursor of a surfactant to obtain PAAS of applicants' invention.

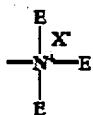
The Examiner respectfully disagrees with the above arguments because in col. 3, line 66 to col. 5, line 4 and in col. 11, line 1 to col. 14, line 8, Chapman teaches a modified polyamine formula  $V_{(n+1)}W_mY_nZ$  where V can be



W can be



Z can be



and R can be  $C_2$ - $C_{12}$  alkylene (as one selection), E units can be hydrogen (as one selection), m has the value from 4 to about 400 and n has the value from 0 to about 200. With all the E being H,  $n=0$ ,  $m=4$ , the modified polyamine would read on the applicants' claimed polyamine structure. The only disclosure in Chapman where E units does not comprise hydrogen atom is when the V, W or Z units are oxidized (see col. 14, lines 20-21), which is not the case when the V, W or Z units are quaternized. In col. 8, lines 47-56, Chapman teaches that quaternization may take place in some circumstances without substitution (replacing a backbone -NH hydrogen atom by an E unit).

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Applicants also argue that at column 7, lines 22-33 Chapman teaches modified polyamine pre-neutralized with a neutralizing agent prior to reacting with acid-precursor and the reaction product would not be PAAS surfactant according to applicants' invention, because in applicants' invention, it is unmodified polyamine that is reacted with the acid precursor, and then without being preneutralized with a strong alkaline agent, so that PAAS may be obtained as seen in applicants' specification at page 7, lines 16-25.

The Examiner respectfully disagrees with the above arguments because as argued above, the modified polyamine reads on the polyamine structure of the present claims, hence, when said modified polyamine reacts with the acid precursor of a deterative surfactant as disclosed in Chapman at col. 5, lines 14-18 and col. 6, lines 1-6, the resulting product would read on Applicants' claimed polyanionic ammonium surfactant.

With respect to the double-patenting rejection, Applicants agree to the filing of the Terminal Disclaimer upon an indication of the allowable subject matter.

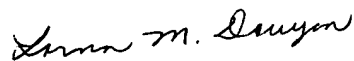
The provisional obviousness-type double patenting rejection is maintained until a proper terminal disclaimer is timely submitted.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon  
Primary Examiner  
Art Unit 1751